

REMARKS

Claims 1 through 57 remain for active consideration in this application.

In the outstanding Office action mailed March 7, 2004, claims 25, 28 and 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Moskvin (US 5,161,483), claims 45, 46 and 47 been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moskvin, claims 33 and 49 through 54 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Grochowiczl. (US 3,841,756) in view of Moskvin, and claims 1 through 24, 27, 31 through 42, 45, 46 and 48 through 57 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants respectfully traverse the stated rejections and submit that in view of the foregoing amendments and the following remarks, the claims remaining in the application comply fully with all of the requirements of 35 U.S.C. § 112, second paragraph and define patentably over the cited prior art references.

Regarding the rejections based on 35 U.S.C. § 112, second paragraph, it is believed that amendments appropriate to obviate these rejections have been made in claims 1, 2, 18, 19, 20, 27, 31, 33, 38, 40, 41, 42 and 56. Accordingly, it is respectfully submitted that rejection should be withdrawn.

With regard to the rejection of claims 25, 28 and 29 under 35 U.S.C. § 102(b) based on the Moskvin reference, this citation discloses a milk metering system including a first container 1 divided by a partition 3 into a lower measuring chamber 8 and an upper milk reception chamber 5. An opening 4 provided in the partition is alternately opened and closed by a valve 15 actuated by a float 10. When the valve 15 moves into a position to close opening 4, milk is delivered from the measuring chamber 8 and into a second container 16 as a result of the pressure differential created by exposing measuring chamber 8 to atmospheric pressure delivered

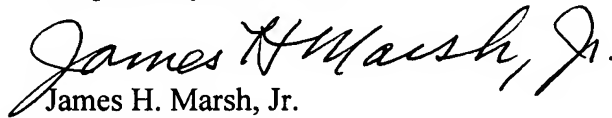
via tube 11 and the creation of a vacuum in container 16 by a vacuum source. With this arrangement the amount of milk in measuring chamber 8 when valve 15 closes is dependent upon the vacuum level in container 16. Accordingly, the vacuum level is measured and recorded each time the measuring chamber 8 is emptied in order provide data for applying a correction to the vacuum and thereby control the amount of milk delivered into the chamber 18 during the next cycle.

According to the examiner's interpretation, the duct 9 interconnecting chamber 8 and container 16 is a sampling duct and the container 16 is a sample collecting receptacle. But applicant believes that this is not consistent with the teachings of Moskvina. That is to say, in actuality there is no sampling duct in the Moskvina apparatus for removing milk samples from the measuring chamber. Moreover, claim 25 recites the inclusion of "a sampling duct communicating with the interior of the metering chamber and defining an auxiliary milk outlet for separate removal of milk samples from the metering chamber during respective filling and emptying cycles". Clearly the Moskvina structure includes no such component. Accordingly, claim 25 can not be anticipated by Moskvina. Claims 28 and 29 are dependent on claim 25 and should be allowable with claim 25. The same applies in relation to claims 45, 46 and 47 which the Examiner has rejected on the ground of being obvious in view of Moskvina. In this latter regard, there is no suggestion contained in the Moskvina disclosure to the effect that it might be possible or desirable to modify the Moskvina apparatus so as to include "a sampling duct communicating with the interior of the metering chamber and defining an auxiliary milk outlet for separate removal of milk samples from the metering chamber during respective filling and emptying cycles". In view of the foregoing it is clear that claim 25 and all claims dependent thereon are patentable over the references cited by the examiner.

Turning now to the rejection of claim 33 under 35 U.S.C. § 103(a) as being obvious from the disclosure of Grochowicz in view of the disclosure of Moskvina, it is pointed out that the Grochowicz reference is acknowledged and discussed in the present application. Thus, Grochowicz discloses a milking system in which all of the milk from an animal is delivered into a receiver which is used to weigh the milk and which includes a number of different sensors for measuring various properties of the milk. Clearly the container is not repeatedly filled and emptied during a single milking operation, but the examiner has determined that in view of the Moskvina reference it would have been obvious for this to be done with a counting mechanism being provided to count the number of filling and emptying cycles. In applicant's view, however, the Examiner's assessment of the Grochowicz/Moskvina combination of references is questionable since the measurements are taken only "when an individual cow has been milked and her milk production is in the associated container 20", as stated at column 4 lines 23-25. Hence, the invention of claim 33 is neither disclosed nor suggested by Grochowicz in view of Moskvina when these references are considered in their entireties, particularly in view of the fact that according to Grochowicz, it is intended that the entire milk production of a single cow is gathered in the container 20. Furthermore, the milk metering apparatus of claim 33 includes "recording means which records values of the at least one property sensed and compares these recorded values with corresponding sensed and recorded values." It is to be noted in this regard that the Grochowicz system produces a printed record and there is no provision for any direct comparisons to be made between recorded values. Moreover, there is no suggestion made by Moskvina to the effect that it might be desirable or useful to make such comparisons in connection with the Grochowicz system. Accordingly, claim 33, as well as dependent claims 49 through 54, clearly define patentably over the combination of references cited by the examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims remaining for active consideration in the application define patentably over the cited references and comply fully with all of the formal requirements of the patent statutes and rules and regulations of the Office. Accordingly, favorable action at an early date will be appreciated. If the examiner is of the view that any issue remains unresolved, it is respectfully suggested that applicants' undersigned attorney may be contacted at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in cursive script that reads "James H. Marsh, Jr.".

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